

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Deborah J. Fuller
Debtor(s)

Bankruptcy Case No.: 19-10599-TPA
Per December 3, 2019 Proceeding
Chapter: 13
Docket No.: 31 – 11, 22
Concil. Conf.: 3/10/20 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 13, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 3/10/20 at 01:30 PM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Internal Revenue Service (Claim No. 4–3); Pennsylvania Department of Revenue (Claim No. 1–3); Erie County Tax Claim Bureau (Claim No. 6), secured at 9% .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 4, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Deborah J. Fuller
 Debtor

Case No. 19-10599-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 28

Date Rcvd: Dec 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 06, 2019.

db +Deborah J. Fuller, 10297 High St, Albion, PA 16401-9452
 cr +Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 1251 Waterfront Place,
 Mezzanine Level, Pittsburgh, PA 15222-4227
 15068926 +ACL, 1526 Peach Street, Erie, PA 16501-2110
 15068927 +Aes/fortis, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
 15078003 +COLLEGE ASSIST, PO BOX 16358, ST PAUL, MN 55116-0358
 15068929 +Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850-5298
 15068930 +Collection Service Center, Inc., Attn: Bankruptcy, Po Box 560,
 New Kensington, PA 15068-0560
 15068931 +Conduent/Front Range Bank, Attn: Claims Department, Po Box 7051, Utica, NY 13504-7051
 15068932 David J. Apothaker, Esquire, Apothaker Scian P.C., 520 Fellowship Rd, Ste C306,
 PO Box 5496, Mount Laurel, NJ 08054-5496
 15068934 Erie County Tax Claim Bureau, 140 W 6th Street #110, Erie, PA 16501-1073
 15068935 +First Federal Credit Control, Attn: Bankruptcy, 24700 Chagrin Blvd, Ste 205,
 Cleveland, OH 44122-5662
 15068936 +Home Investment Fund V, LP, 323 5th Street, PO Box 35, Eureka, CA 95502-0035
 15068938 +KML Law Group, P.C., Attn: Rebecca A. Solarz, Esquire,
 Suite 5000 BNY Mellon Independence Ctr, 701 Market Street, Philadelphia, PA 19106-1538
 15068941 +Plain Green Loans, Attn: Bankruptcy, 1900 Frost Rd Ste 100, Bristol, PA 19007-1519
 15068943 +St. Vincent Hospital, 232 W 25th St, Erie, PA 16544-0001
 15104345 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15076434 E-mail/PDF: resurgentbknofications@resurgent.com Dec 05 2019 02:56:15 CACH, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15068928 +E-mail/Text: bankruptcy@cavps.com Dec 05 2019 02:54:42 Cavalry Portfolio Services,
 Attn: Bankruptcy Department, 500 Summit Lake Ste 400, Valhalla, NY 10595-2322
 15091806 +E-mail/Text: bankruptcy@cavps.com Dec 05 2019 02:54:42 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 15068933 +E-mail/Text: electronicbkydocs@nelnet.net Dec 05 2019 02:54:31
 Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
 15108555 +E-mail/Text: bknotices@sns.com Dec 05 2019 02:55:07 Home Investment Fund V, LP,
 c/o SN Servicing Corporation, 323 5th Street, Eureka, CA 95501-0305
 15068937 +E-mail/Text: cio.bncmail@irs.gov Dec 05 2019 02:53:43 Internal Revenue Service,
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
 15068939 +E-mail/Text: bankruptcydpt@mcmg.com Dec 05 2019 02:54:21 Midland Funding,
 2365 Northside Dr Ste 300, San Diego, CA 92108-2709
 15068940 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 05 2019 02:54:06 PA Department of Revenue,
 Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
 15071390 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 05 2019 02:54:06
 Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946,
 Harrisburg, PA 17128-0946
 15068942 +E-mail/PDF: resurgentbknofications@resurgent.com Dec 05 2019 02:56:16
 Resurgent Capital Services, Po Box 10587, Greenville, SC 29603-0587
 15068944 +E-mail/Text: BankruptcyNotice@upmc.edu Dec 05 2019 02:54:54 UPMC Hamot, 201 State Street,
 Erie, PA 16550-0001
 15074882 +E-mail/Text: electronicbkydocs@nelnet.net Dec 05 2019 02:54:31
 US Department of Education c/o Nelnet, 121 S 13th St, Suite 201, Lincoln, NE 68508-1911
 TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr HOME INVESTMENT FUND V, LP
 15068945* +ACL, 1526 Peach Street, Erie, PA 16501-2110
 15068946* +Aes/fortis, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
 15068947* +Cavalry Portfolio Services, Attn: Bankruptcy Department, 500 Summit Lake Ste 400,
 Valhalla, NY 10595-2322
 15068948* +Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850-5298
 15068949* +Collection Service Center, Inc., Attn: Bankruptcy, Po Box 560,
 New Kensington, PA 15068-0560
 15068950* +Conduent/Front Range Bank, Attn: Claims Department, Po Box 7051, Utica, NY 13504-7051
 15068951* David J. Apothaker, Esquire, Apothaker Scian P.C., 520 Fellowship Rd, Ste C306,
 PO Box 5496, Mount Laurel, NJ 08054-5496
 15068952* +Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
 15068953* Erie County Tax Claim Bureau, 140 W 6th Street #110, Erie, PA 16501-1073
 15068954* +First Federal Credit Control, Attn: Bankruptcy, 24700 Chagrin Blvd, Ste 205,
 Cleveland, OH 44122-5662
 15068955* +Home Investment Fund V, LP, 323 5th Street, PO Box 35, Eureka, CA 95502-0035
 15068956* +Internal Revenue Service, Centralized Insolvency Operation, PO Box 7346,
 Philadelphia, PA 19101-7346
 15068957* +KML Law Group, P.C., Attn: Rebecca A. Solarz, Esquire,
 Suite 5000 BNY Mellon Independence Ctr, 701 Market Street, Philadelphia, PA 19106-1538
 15068958* +Midland Funding, 2365 Northside Dr Ste 300, San Diego, CA 92108-2709
 15068959* PA Department of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
 15068960* +Plain Green Loans, Attn: Bankruptcy, 1900 Frost Rd Ste 100, Bristol, PA 19007-1519

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Form ID: 149

Page 2 of 2
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***** BYPASSED RECIPIENTS (continued) *****

15068961* +Resurgent Capital Services, Po Box 10587, Greenville, SC 29603-0587
15068962* +St. Vincent Hospital, 232 W 25th St, Erie, PA 16544-0001
15068963* +UPMC Hamot, 201 State Street, Erie, PA 16550-0001

TOTALS: 1, * 19, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 06, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 4, 2019 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General
akovalchick@attorneygeneral.gov
James Warmbrodt on behalf of Creditor HOME INVESTMENT FUND V, LP bkgroup@kmlawgroup.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Rebeka Seelinger on behalf of Debtor Deborah J. Fuller rebeka@seelingerlaw.com
Richard J. Bedford on behalf of Debtor Deborah J. Fuller richard@seelingerlaw.com,
rjb8181@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6